

### Eligibility for Special Education and Related Services as a Student with Specific Learning Disability

Rhode Island’s eligibility process for special education and related services requires the consideration of four areas of interrelated data— gap data, progress data (or pattern of strengths and weaknesses), need data, and the context of each student’s unique circumstances. This individual context includes racial, ethnic, social, cultural, familial, linguistic, and educational variables. The determination of initial eligibility for special education and related services is based on the results of a full and individual evaluation that is focused on identifying effective interventions, as well as determining the presence of an educational disability and need. The eligibility team must utilize information from a variety of sources which may include aptitude and achievement test results, parent input, teacher input, information about the child’s physical condition, social or cultural background and adaptive behavior. The information obtained from these multiple sources must be documented (§300.306(c)).

<p>Utilizing a process based on the <b>student’s response to scientific, research-based intervention (RTI)</b>, the decision making process must lead to the following conclusions if a determination is made that the student has a specific learning disability (SLD) and is eligible for special education and related services:</p>	<p>Utilizing the <b>severe discrepancy model</b> the decision making process must lead to the following conclusions if a determination is made that the student has a specific learning disability (SLD) and is eligible for special education and related services:</p>
<p><u>Achievement Gap</u>: The student’s current achievement is significantly different than his/her peers.</p>	<p><u>Achievement Gap</u>: The student’s current achievement is significantly different than his/her peers.</p>
<p><u>Educational Progress</u>: <i>The student does not make sufficient progress even after the provision of intensive intervention.</i></p>	<p><u>Patterns of Strengths and Weaknesses</u>: <i>There is a severe discrepancy between the student’s achievement or performance and age, State-approved Grade Level/Span Expectations and English Language Proficiency Standards, and/or intellectual development.</i></p>
<p><u>Individual Context</u>: Other factors, including racial, ethnic, social, cultural, familial, linguistic, and educational variables have been ruled out as the primary cause of the student’s learning difficulty.</p>	<p><u>Individual Context</u>: Other factors, including racial, ethnic, social, cultural, familial, linguistic, and educational variables have been ruled out as the primary cause of the student’s learning difficulty.</p>
<p><u>Need</u>: The student has a disability and requires special education and related services.</p>	<p><u>Need</u>: The student has a disability and requires special education and related services.</p>

## Achievement Gap

Achievement gap can be defined as the difference between the student's level of performance on a standard compared to his/her peers' level of performance at a single point in time. In identifying the existence of a SLD, a determination must be made using evidence from multiple reliable and valid sources that a student's current level of performance on State-approved Grade Level/Span Expectations and English Language Proficiency Standards is significantly different than his/her peers relative to national normative data with consideration of state and local data after the provision of at least two periods of intensive intervention. Interventions must have research base demonstrating effectiveness with students of the same background characteristics as target population. Many factors must be considered when defining a period of an intervention such as student age, skill area, language proficiency, intervention program recommendations from publisher for fidelity, etc. (Refer to the *Overview of Response to Intervention Framework* section in this guidance for more information regarding intensive interventions.) Multiple sources of data must be collected to document this significant discrepancy from the expected standards of performance.

In examining achievement gap for English Language Learners (ELLs) comparisons should be made to their ELL peers (students with similar educational backgrounds and at the same or very similar English proficiency level with respect to the four domains of language). Research by Cook (2009) examined student performance on the ACCESS across multiple WIDA Consortium states, including Rhode Island. ELLs shall additionally be provided with instruction appropriate for their English language proficiency according to the WIDA Can-Do Descriptors and Model Performance Indicators.

These four questions can guide the eligibility team through the decision making process when examining **achievement gap**.

1. What are the **multiple sources of data** that show that the student's performance is significantly different from that of peers and expected standards? (ex. State assessment results (NECAP/ACCESS), CBM scores, norm-referenced achievement test scores, district screening measure scores, criterion-referenced test reports, classroom performance measures (analyzed writing samples, running records, etc.))
2. How does the student's current level of performance compare to that of typical peers and expected standards (relative to national normative data with consideration of state and local data)?
3. In which of the following areas is there a discrepancy?

▪ Oral Expression	• Reading Fluency Skills
▪ Listening Comprehension	• Reading Comprehension
▪ Written Expression	• Mathematics Calculation
▪ Basic Reading Skill	• Mathematics Problem Solving

#### 4. Is the discrepancy significant?

Below are some examples of parameters for judging the significance of a discrepancy (significantly different than his/her peers relative to national normative data with consideration of state and local data). These are NOT intended to be absolute cut-points and the **convergence of multiple sources of data** needs to be considered by the eligibility team.

- On a standardized measure that reports percentile ranks, a score near or below the 10<sup>th</sup> percentile
- On a standardized measure that provides standard scores, a score that is at least 1.5 standard deviations below the mean
- Curriculum-Based Measure (CBM) results that include at least 6 data points that are near or below the 10<sup>th</sup> percentile (based on national norms)
- Criterion Reference Measures that compare student performance to GLEs and/or goals of the curriculum. (These may be included in curriculum materials or developed by district personnel.) A significant deficit would be indicated by results that are at or below 50% of grade-level expectancy. (For example, an expectation that a student answer grade level math application problems with 80% accuracy and a student's accuracy through repeated trials is 40% or less.)
- State assessment (NECAP/ACCESS) score in below proficient range
- District universal screening measure score that is significantly below grade-level peers. (For example, a student repeatedly scores near or below the 15<sup>th</sup> percentile when compared to other students in the district at the same grade level in a certain academic area.)

Scores on measures conducted in English cannot be considered valid or reliable for students who are documented to be in the process of learning English and not yet proficient. In addition, an ELL would likely be consistently low on all of these measures by virtue of his/her English proficiency level. Curriculum Based Measures or Criterion Referenced Measures aligned to ESL curriculum/instruction would be appropriate in examining achievement gap for ELLs. An ELL's performance should be compared to other ELLs in their same program *in addition* to his/her non-ELL peers. Since an ELL might be low on a standardized measure that is not normed on ELLs, it is important to examine the ELL's performance and progress on WIDA levels.

#### Educational Progress

To determine if a student's educational progress is sufficient, a student's rate of progress is compared to the expected rate of progress using evidence from multiple reliable and valid sources. In identifying the existence of a SLD, a determination must be made that the student does not make sufficient progress to meet age or State-approved Grade Level/Span Expectations and English Language Proficiency Standards, based on the student's limited responsiveness to intensive scientific, research-based interventions which have been implemented with fidelity. Intensive interventions are specifically designed systematic instruction for those **few** students who

are not making sufficient progress with targeted interventions or who need a greater instructional intensity to accelerate their progress because of a more significant learning gap. Many factors must be considered when defining a period of an intervention such as student age, skill area, language proficiency, intervention program recommendations from publisher for fidelity, etc. (For more information regarding interventions, refer to the *Overview of Response to Intervention Framework* section in this document.)

These questions can guide the decision making process when examining **educational progress**.

1. Have the interventions been developed, implemented and monitored with fidelity?

A team must determine if appropriate interventions were provided to the student by qualified personnel to address the skill deficit. They must review evidence that:

- Interventions were evidenced-based or represent instructional best practice for the student population being served and of sufficient intensity (e.g. Interventions should be described and documented on Intervention Plans, PLPs, etc). (Refer to the *Overview of Response to Intervention Framework* section in this guidance for more information regarding intensity.)
- Interventions were delivered with fidelity by qualified personnel (e.g. written observations of delivery of interventions, interview checklists or self evaluation checklists that monitor integrity of intervention).
- Interventions were implemented for a sufficient amount of time to allow changes to occur in the student's skills level. ("Sufficient" time will vary depending on such factors as initial baseline performance level, skill area, intensity of intervention, intervention program recommendations from publisher for fidelity, age of student, etc.)
- Changes were made to an intervention when progress monitoring data indicated that the student was not making progress (e.g. Intervention plans, Personal Literacy Plans, progress monitoring graphs, etc).

2. How does the student's rate of progress compare to the expected rate of progress?

The student's area of concern is defined in measureable terms, is monitored with an objective, valid, ongoing assessment tool that is directly linked to the area of deficit and monitored over a period of time to assure reliability. All progress monitoring tools and methodology must be culturally and linguistically appropriate. The data from monitoring is used to answer the above question. The student's baseline level of performance is established at the start of an intervention. A goal is decided upon that can be realistically reached in a reasonable period of time. The student's performance data is collected weekly to determine the student's response to the intervention. If the student's response is not consistent with the goal, changes are made to the intervention. A comparison of expected rate with actual rate is made.

When making decisions about rate of educational progress, teams must clearly identify the standard to which progress will be compared. Three standards for evaluating

students' rate of progress have been identified: Research Sample Norms, Local School/District Norms and Criterion-Referenced Benchmarks (Hoover, 2009; Shapiro, 2008; Shinn, 1989). In each instance, individual student's growth rates are compared to the expected rate of progress within each grade as found in a research sample, a local norm sample or an expected rate of progress to meet criterion-referenced benchmarks or grade-level equivalents. In Rhode Island the process of determining insufficient progress to determine eligibility considers the student's rate of improvement towards meeting age or State-approved Grade Level/Span Expectations and English Language Proficiency Standards during intensive intervention, student's past rate of improvement, and a normative rate based on the response of his/her local age peers with consideration of national data.

Below are some parameters for comparing the student's rate of progress to the expected rate of progress in order to judge sufficiency or lack of sufficiency. These are NOT intended to be absolute cut-points and the convergence of multiple sources of data must be considered by the eligibility team.

- Given equal or enhanced opportunities, student's rate of learning is significantly lower than normative rate of progress of grade-level peers.
- Performance on progress monitoring measures does not increase when provided with evidence-based interventions of sufficient intensity that address skill deficits.
- Performance on progress monitoring assessments collected over a series of time indicate the student's rate of learning will not close his/her performance gap with grade-level peers in a year of time.
- Performance on local assessments where student's initial (baseline) gap and the gap at the end of two periods of intensive interventions is the same. Many factors must be considered when defining a period of an intervention such as student age, skill area, intervention program recommendations from publisher for fidelity, etc. (Refer to the *Overview of Response to Intervention Framework* section in this guidance for more information regarding intensive interventions.)

Documentation of progress monitoring should include both a visual display of student's response to intervention (i.e., aim line, trend line) and a quantitative index of student's rate of improvement determined by the student's slope of progress. Rate of improvement is the amount of improvement divided by the time devoted to it. Information on progress monitoring assessments and calculating slope of progress can be found at National Center of Progress Monitoring ([www.progressmonitoring.org](http://www.progressmonitoring.org)), RTI Action Network ([www.Rtlnetwork.org](http://www.Rtlnetwork.org)) and Vanderbilt University's IRIS Center ([www.iris.peabody.vanderbilt.edu](http://www.iris.peabody.vanderbilt.edu)).

As with achievement gap, Curriculum Based Measures or Criterion Referenced Measures aligned to ESL curriculum/instruction would be appropriate in examining progress for ELL students. An ELL's performance should be compared to other ELLs in their same program *in addition* to his/her non-ELL peers. Since an ELL might be low on a standardized measure that is conducted in English, a language the learner is still in the process of learning, and also not normed on ELLs, it is important to examine the ELL's progress on WIDA levels. Research by Cook (2009) examined student progress

on the ACCESS across multiple WIDA Consortium states, including Rhode Island. This data would need to be considered when examining an ELL's expected rate of progress to see if the student is progressing in learning English at about the same level as the student's ELL peers.

### Pattern of Strengths and Weaknesses

Consistent with the state criteria LEAs may still utilize a severe discrepancy process until September 1, 2010 for elementary schools and September 1, 2011 for middle and high schools unless the district requests a waiver to continue to utilize a severe discrepancy process for an additional year. The process for utilizing severe discrepancy model to determine eligibility for a specific learning disability is the same as utilizing an RTI process except that in lieu of demonstrating insufficient educational progress, a student must demonstrate significant pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development.

The analysis of strengths and weaknesses will identify whether the student has a severe discrepancy between achievement or performance and age, State-approved Grade Level/Span Expectations and English Language Proficiency Standards and/or intellectual development. The degree of discrepancy considered severe will vary and should take into consideration the student's age, previous and current instruction and interventions, cultural factors, and English language proficiency.

### Individual Context

Upon completion of the evaluation, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability. The LEA provides a copy of the evaluation report and the documentation of determination of eligibility to the parent. Consistent with §300.306(b), regardless of the type of disability suspected, a child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading or math, or limited English proficiency. In addition, other exclusionary factors, including a visual, motor or hearing disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency (§300.309(a)) must be ruled out as the primary cause for a student's learning difficulties.

These four questions can guide the decision making process when examining the **individual context** of the student's unique circumstances.

1. Has the student received appropriate instruction in reading, including the essential components of reading instruction?

The team must be confident that the core curriculum is:

- High-quality and comprehensive
- Culturally and linguistically appropriate

- Evidenced-based
- Aligned with state and local grade level and grade span expectations
- Includes the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary and comprehension)

2. Has the student received appropriate instruction in math?

The team must be confident that the core curriculum is:

- High-quality and comprehensive
- Culturally and linguistically appropriate
- Evidenced-based
- Aligned with state and local grade level and grade span expectations
- Aligned with the National Council of Teachers of Mathematics Focal Points

The team must ensure that the student has had consistent access to appropriate educational opportunities without a history of excessive absences or high residential mobility resulting in frequent school change. If an SLD determination cannot be made due to concerns regarding lack of appropriate instruction, attempts must be made to ensure that appropriate instruction is provided and that the student's response to that instruction is documented. A referral for special education and related services may be appropriate if after appropriate instruction and intervention a student is not making sufficient progress.

3. Has Limited English Proficiency (LEP) been ruled out as the primary cause of the student's difficulty?

As a consideration for determination of Specific Learning Disability lack of student performance due to Limited English Proficiency must be ruled out as the primary cause. The presence of Limited English Proficiency does not preclude a determination of a specific learning disability, as it may coexist with a learning disability.

Students in the normal process of acquiring English language skills experience similar, if not identical, difficulties as students identified with specific learning disabilities. Proficiency in everyday concrete social conversations may take up to two years, while academic language (the language used for academic content learning at school across content areas) may take five to seven years to develop or more where factors such as limited formal schooling are involved. Proficiency in conversational fluency is not a good indicator of academic language proficiency or academic success. When determining academic achievement, the consideration should be whether a student understands concepts in context rather than a student's independent language proficiency.

When deciding whether a student who is an ELL meets eligibility criteria for SLD, whether the student has failed to achieve at a similar rate as a comparable group of ELLs and the following should be taken into consideration:

- A. Has the student been given an English language proficiency test?
- LEAs in Rhode Island utilize the W-APT (WIDA Access Placement Test) to screen the English language proficiency of newly enrolling students identified as potential ELLs. This screening tool is aligned to the WIDA Summative English Language Proficiency Standards (ELPS) and the ACCESS for ELLs®. It produces a proficiency score that helps schools provide ELL students with the most appropriate instruction for their English proficiency level.
  - All English Language Learners shall be evaluated once a year through the state's English-language proficiency test, ACCESS for English Language Learners. When a student fails to progress appropriately within the ELL program, other assessment procedures shall be used to determine the reason for the lack of progress. Appropriate instructional interventions shall be provided (RI Regulations Governing the Education of English Language Learners, 2008 Section L-4-14).
- B. Is the student receiving or has the student received English Language Learner (ELL) instructional services in accordance with the RI Regulations Governing the Education of English Language Learners? Does the LEA have a plan for monitoring and overcoming academic deficits while acquiring English? Has this plan considered:
- Meaningful access to the core curriculum which includes appropriate ELL supports within the classroom
  - English language instruction aligned to GLEs/GSEs and built upon the WIDA standards, model performance indicators, and Can-Do Descriptors
  - Use of the native language, as appropriate and feasible
- C. Has growth in English language proficiency been measured over time and compared to similar data from ELL peers? It must be shown that a student has demonstrated an atypical growth pattern when compared to a similar group of English language learners, after effective ELL instructional services have been in place and after a student has not adequately responded to additional intervention that is appropriate to the student's cultural and linguistic needs. Information on student growth on the ACCESS can be found in *WIDA Focus on Growth* on the RI Department of Education website, <http://www.ride.ri.gov/applications/ell/professional-development/>.

Has the student had access to consistent instructional programming or been moved between ESL and bilingual programs or has the student had periods of education in his/her home country in between periods of education in the United States? Following an RTI model, student progress in a language acquisition program should be regularly monitored to determine whether a student (or group of comparable English language learners) is progressing in the curriculum with ELL instructional program supports prior to determining additional interventions through the RTI process. ELL instructional services, although important and necessary, should not be the only interventions considered under the RTI

process. They should be considered part of core instruction prior to determining whether intervention for smaller groups of individuals, or individuals within that group, is needed.

- D. Has consideration of a student's learning capabilities in the primary language been included as part of the rule out process? Abilities in the primary language as evidenced by parent/family input or other knowledgeable/trained individual in the areas of oral language, listening, reading and/or writing, should be considered as part of an assessment.

Does the school have culturally and linguistically competent practices in place? Have cultural and linguistic factors been included in the evaluation process and do these include knowledge of: length of time and exposure to English language acquisition, input from family regarding student's learning history and whether the student is proficient in the native language, the student's previous school experience(s), student's level of acculturation, and efficacy of prior and current English language acquisition programs. Culture shock can affect the learning of an ELL. Culture shock is a period when the individual feels an unsteady balance between home and school and when a learner's efforts can seem artificial and pointless to them (Collier, 2008). Cultural brokers or parent liaisons that are from the student's community are often helpful to determine if the patterns of behavior are reflective of cultural differences.

- E. Has the team determining support services and developing interventions included an individual knowledgeable in second language acquisition and has this individual, or a similar individual, been part of the evaluation process for determining whether the student meets eligibility criteria for SLD?
4. Have exclusionary factors been considered? The team must ensure that the difficulties that the student is experiencing are not primarily a result of a visual, motor or hearing disability or the result of mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage or limited English proficiency (§300.309(a)).

*A visual, hearing or motor disability*

The presence of a visual, hearing, or motor disability does not preclude a determination of a specific learning disability, as one or more of these disabilities may coexist with a learning disability. The team must make the determination that the student's learning difficulties are not primarily the result of a visual, hearing, or motor disability. If a student has a visual, hearing, or motor disability, then the team must consider whether the learning difficulties are significantly greater than would be reasonably expected if the student had a visual, hearing, or motor disability alone. Although many students will have had health screenings to identify these disabilities, some students may have not had access to them. The team must obtain and review health records such as vision, hearing and motor screenings to make this determination.

*Mental retardation*

A team suspecting that a student's learning difficulties may be due to a significant cognitive disability should include assessments in the comprehensive evaluation to determine if the student meets the criteria for the Mental Retardation disability category. The evaluation may include assessments of adaptive behavior, intellectual functioning, and performance across academic areas.

*Emotional disturbance*

A social emotional and/or behavioral disability may co-occur with a learning disability. The team must determine if both are present, if the specific learning disability is the primary disability. This is a challenging task as sometimes difficulties in one area may lead to difficulties in the other. Assessments that may be included as part of a comprehensive evaluation for a student demonstrating social, emotional, and/or behavioral difficulties include behavior screenings, data such as attendance records and office referrals, behavior checklists, rating scales, and Functional Behavior Assessments. If social, emotional, and/or behavioral difficulties are assessed to be impacting academic performance and learning, it is important that they are considered in educational planning, even if the student is eligible for special education as a student with a specific learning disability.

*Cultural factors*

When considering eligibility for special education, especially of an English language learner, school personnel need to develop an understanding of differences in culture and acculturation. Cultural differences can affect learning of students in two ways (Hamayan et.al, 2007). First, they provide a context for making sense of the world through which all new learning occurs. This could lead to misunderstanding or misinterpretation of new learning. Second, culture can affect the student's general level of comfort about his/her place in the school environment. The student's and the student's parent's/guardian's level of acculturation should be determined using an acculturation measure. Interviews with families will be important to gather information regarding cultural differences and adjustment to the new culture which may be impacting student learning. In some cases, the student may be exhibiting behavior that is typical during the acculturation process (Hoover & Collier, 1985). In addition, the results of district achievement tests which compare the performance of subgroups in the district should be examined to determine if there are group differences.

*Environmental or economic disadvantage*

Families will play a large role in determining whether environmental or economic factors play a primary role in a student's learning difficulties. Family interviews and developmental histories can assist in gathering the necessary information to determine any affects of environmental or economic disadvantage. Data that will assist in making this determination are results of district achievement tests which compare the performance of students of similar socioeconomic level.

*Limited English proficiency*

Please see section above.

### Determination of Need

The student meets the criteria for a specific learning disability if evidence from multiple data sources demonstrates that a student's current achievement is significantly discrepant from his/her peers and the student does not make sufficient progress even after the provision of intensive interventions. In addition, exclusionary criteria have been applied.

A determination of need for special education and related services concludes that the student requires ongoing and specially designed instruction and supports services in order to ensure FAPE and benefit from the general education curriculum. In addition, the educational interventions required by the student to be successful cannot be sustained without special education and related services.

Special education refers to specially designed instruction that will meet the unique needs of the student with a disability. Specially designed instruction means instruction that has been adapted in its content (curriculum), methodology (instructional strategies), or delivery (how the content and instruction be delivered). This instruction is specially designed to address the unique needs of the student that result from the student's disability so that the student can be involved and make progress in the general education curriculum, can participate in extracurricular and other nonacademic activities, and can be educated and participate with other children with disabilities and with non disabled children. (RI Department of Education & Rhode Island Technical Assistance Project, 2008)

These three questions can guide the decision making process when examining the **need**.

1. What are the student's needs in the areas of instruction, curriculum and environment?

In order to make a decision regarding the instructional needs of a student, the eligibility team needs to consider what is known about the student in relation to the instruction, curriculum and environment of the school (Refer to problem solving in *Overview of Response to Intervention Framework* in this guidance for more information.)

2. What are instructional strategies that will accelerate the learning of the student? Are ongoing, substantial, additional services needed that cannot be provided by general education?

The team needs to consider the interventions that have been implemented and the student's response to them. Participants in planning utilize evidence on what accelerates learning for this student. Given equal opportunity to learn (i.e. fidelity of

instruction and appropriate learning supports and conditions), is the student's learning rate insufficient to meet expectations over time? What does it take – or is it projected to take - for this student to learn at a sufficient rate? Will progress be maintained if instructional supports are taken away? It would be appropriate for the team to consider information about outside or extra learning support provided to the child or about any modifications or compensatory strategies used by the child when assessing whether the child achieves commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels. The process should lead to conclusions about what is needed to enable learning for the student in the areas of curriculum, instruction and learning environment.

3. Does the student require special education to meet his/her needs?

Evidence in this area informs educational planning. This evidence assists in identifying how the student needs to be taught and what it will take for him/her to be successful. How significantly does what this student needs differ from the provision of curriculum and instruction in the general education program, which includes comprehensive evidence-based instruction, differentiation of instruction, supplemental classroom instruction and accommodations, and precise measurement of progress? How much additional, different support does this student need in order to learn? Does the student need specially designed instruction to ensure access to the general education curriculum so that he/she can meet standards?

### Documentation of Eligibility

As for all disability categories, parents/guardians must be provided a copy of the evaluation report and documentation of determination of eligibility (§300.306(a)(2)). The evaluation report needs to include descriptions of the sources of information and a summary of relevant findings. There are additional requirements specific to the documentation of the determination of eligibility for a child suspected of having a specific learning disability.

First, the documentation must include a statement of:

- Whether the child has a specific learning disability
- The basis for making the determination including that multiple sources of data were utilized as described in the evaluation section of this document and documented.
- The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning
- Educationally relevant medical findings, if any
- Whether the child does not achieve adequately to meet state approved grade-level expectations **and** does not make sufficient progress to meet grade level expectations

Second, the report must include evidence that:

- The team has considered and documented that eligibility is not due to lack of appropriate instruction in reading, including the essential components of reading instruction, delivered by qualified personnel, lack of appropriate instruction in math, delivered by qualified personnel, or Limited English Proficiency.
- The team has considered the exclusionary factors and made the determination that the findings of learning difficulties are not primarily due to any of the following factors. (Specific documentation should be provided for any relevant factors.)
  - A visual, hearing, or motor disability
  - Mental retardation
  - Emotional disturbance
  - Cultural factors
  - Environmental or economic disadvantage
  - Limited English proficiency

Finally, the report must include documentation of the child's participation in a process that assesses the child's response to scientific, research-based intervention (prior to or as part of the referral process). Specific documentation includes:

- Instructional strategies used and the student-centered data collected, including repeated assessments of achievement at reasonable intervals
- Documentation that the parents were notified of:
  - The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
  - Strategies for increasing the child's rate of learning;
  - Results of repeated assessment of child's progress; and
  - The parent's right to request an evaluation.